

LEGISLATIVE COUNSEL
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97TH CONGRESS
1ST SESSION

H. R. 1659

To enhance United States intelligence collecting capabilities by prohibiting the unauthorized disclosure of information concerning individuals engaged or assisting in foreign intelligence or counterintelligence activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1981

Mr. RUDD introduced the following bill; which was referred jointly to the Select Committee on Intelligence, the Committees on Post Office and Civil Service, and Veterans' Affairs

A BILL

To enhance United States intelligence collecting capabilities by prohibiting the unauthorized disclosure of information concerning individuals engaged or assisting in foreign intelligence or counterintelligence activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. This Act may be cited as the "Intelligence
4 Agents Protection Act of 1981".

1 UNAUTHORIZED DISCLOSURE OF INFORMATION CONCERN-
2 ING INDIVIDUALS ENGAGED OR ASSISTING IN FOR-
3 EIGN INTELLIGENCE OR COUNTERINTELLIGENCE AC-
4 TIVITIES

5 SEC. 2. (a) Whoever knowingly and willingly discloses
6 to an unauthorized party information identifying an individual
7 engaged in foreign intelligence or counterintelligence activi-
8 ties for the United States Government, whose association
9 with a department or agency of the United States engaged in
10 foreign intelligence or counterintelligence activities is classi-
11 fied and has not been publicly acknowledged by the United
12 States, shall be fined not more than \$100,000 or imprisoned
13 for not more than twenty years, or both.

14 (b) Whoever falsely asserts, publishes, or otherwise claims
15 that an individual is engaged in foreign intelligence or coun-
16 terintelligence activities for the United States Government
17 shall be fined not more than \$50,000 or imprisoned for not
18 more than ten years, or both.

19 (c) Whenever, in the judgement of the head of a depart-
20 ment or agency engaged in foreign intelligence or counterin-
21 telligence activities for the United States Government, a
22 person is about to engage in conduct that would constitute a
23 violation of subsection (a) of this section, the Attorney Gener-
24 al, on behalf of the United States, shall make application to
25 an appropriate United States district court for an order en-

1 joining such conduct. Upon a showing that such action would
2 constitute a violation of this section, a permanent or tempo-
3 rary injunction, restraining order, or other order shall be
4 granted. Any proceeding conducted by a court under this
5 subsection for the purpose of determining whether any infor-
6 mation constitutes the type of information described in sub-
7 section (a) of this section shall be held in camera.

8 (d) As used in subsection (a) of this section, the term—

9 (1) “discloses” means to communicate, furnish,
10 provide, impart, convey, transfer, publish, or otherwise
11 make available to any person;

12 (2) “unauthorized party” means person, organiza-
13 tion, or any other entity not given the authority, right,
14 permission, or opportunity to know, receive, possess,
15 or control pursuant to the provisions of a statute, Ex-
16 ecutive order, directive of the head of any department
17 or agency engaged in foreign intelligence or counterin-
18 telligence activities, order of a judge of any United
19 States district court, or United States Senate or House
20 of Representatives resolution which assigns primary re-
21 sponsibility for oversight of intelligence activities;

22 (3) “classified” means designated pursuant to the
23 provisions of a statute or Executive order or rule or
24 regulation issued pursuant thereto as information re-

1 quiring protection against unauthorized disclosure for
2 reasons of national security; and

3 (4) "association with" means having a present or
4 former employment, contractual, or other cooperative
5 relationship.

6 (e) Nothing in this section shall prohibit the furnishing,
7 upon lawful demand, of information to any regularly consti-
8 tuted committee of the Senate or House of Representatives
9 of the United States of America, or joint committee thereof.

10 FORFEITURE OF ANNUITIES, RETIRED PAY, AND

11 VETERANS' BENEFITS

12 SEC. 3. (a) Upon conviction of an offense under section
13 2 of this Act, from and after the date of commission of such
14 offense—

15 (1) an individual, or his survivor or beneficiary,
16 may not be paid annuity or retired pay on the basis of
17 the service of the individual to the United States which
18 is creditable toward the annuity or retired pay of the
19 individual under title 5 of the United States Code; and

20 (2) an individual shall have no right to gratuitous
21 benefits (including the right to burial in a national
22 cemetery) under laws administered by the Veterans'
23 Administration based on periods of military, naval, or
24 air service commencing before the date of the commis-

1 sion of such offense and no other person shall be enti-
2 tled to such benefits on account of such individual.

3 (b) After receipt of notice of the return of an indictment
4 under section 2 of this Act, the Office of Personnel Manage-
5 ment and the Veterans' Administration shall suspend pay-
6 ment of annuity and retired pay and veterans benefits pend-
7 ing disposition of the criminal proceedings. If an individual
8 whose right to such payments has been terminated pursuant
9 to this section is granted a pardon of the offense by the Presi-
10 dent of the United States, the right to such payments shall be
11 restored as of the date of such pardon.

12 (c) The Attorney General shall notify the Director of the
13 Office of Personnel Management and the Administrator of the
14 Veterans' Administration on each case in which an individual
15 is indicted of an offense under section 2 of this Act, and the
16 disposition of such criminal proceedings.

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